

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 22-CR-10038-IT
)	
ARIEL LEGASSA)	

**Defendant's Response to the Government's Motion
in Limine For a Pretrial Ruling On Admissibility of Business Records**

Defendant Ariel Legassa hereby responds to the Government's Motion in Limine For a Pretrial Ruling On Admissibility of Business Records. As reported by the government (Dkt. No. 109), the parties have conferred and have narrowed the issues the government raised in that motion. Specifically, Mr. Legassa has agreed that records from all third party entities other than the alleged victim, New England Sports Network ("NESN"), are properly certified pursuant to Fed. R. Evid. 902(11) as business records under Fed. R. Evid. 803(6). Mr. Legassa reserves the right to object at trial to the admissibility of any of the proffered business records on all other available grounds.

Mr. Legassa continues to object to the pretrial certification pursuant to Fed. R. Evid. 902(11) of NESN records as business records under Fed. R. Evid. 803(6). Mr. Legassa notes that the government intends to call several officers and employees of NESN at trial and that one or more of those witnesses would be capable of authenticating NESN business records. The government will not need to call an additional record keeper witness at trial.

Mr. Legassa also notes that his counsel and the government continue to confer and may possibly reach further agreement as to the authenticity of at least some of the NESN records the

government intends to offer, in which case there may be little or nothing left for the court to decide. The parties will update the court prior to the final pretrial conference of the status of their consultations.

ARIEL LEGASSA

By his attorney,

/s/ E. Peter Parker

E. Peter Parker

B.B.O. #552720

Law Office of E. Peter Parker

The Wheelhouse at Bradford Mill

33 Bradford St

Concord, MA 01742

(617) 742-9099

peter@parkerslaw.com

Certificate of Service

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on October 6, 2023.

/s/ E. Peter Parker

E. Peter Parker